

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
HAWAIIAN ELECTRIC COMPANY, INC.)
HAWAII ELECTRIC LIGHT COMPANY, INC.)
MAUI ELECTRIC COMPANY, LIMITED)
For Approval of a PV Host Pilot)
Program, Recovery of Program Related)
Expenses through Designated Recovery)
Mechanisms, Inclusion of Related)
Purchased Energy Costs in the Energy)
Cost Adjustment Clause, and Approval)
To Commit Funds in Excess of)
\$2,500,000.)

DOCKET NO. 2009-0098

ORDER APPROVING HECO COMPANIES'
STIPULATED PROCEDURAL ORDER, AS MODIFIED

RECEIVED

2009 SEP -3 A 9:25

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

PUBLIC UTILITIES
COMMISSION

2009 SEP -2 A 10:49

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)	
HAWAIIAN ELECTRIC COMPANY, INC.)	
HAWAII ELECTRIC LIGHT COMPANY, INC.)	Docket No. 2009-0098
MAUI ELECTRIC COMPANY, LIMITED)	
For Approval of a PV Host Pilot)	
Program, Recovery of Program Related)	
Expenses through Designated Recovery)	
Mechanisms, Inclusion of Related)	
Purchased Energy Costs in the Energy)	
Cost Adjustment Clause, and Approval)	
To Commit Funds in Excess of)	
\$2,500,000.)	
_____)	

ORDER APPROVING HECO COMPANIES'
STIPULATED PROCEDURAL ORDER, AS MODIFIED

By this Order, the commission approves with one modification, the proposed Stipulated Procedural Order submitted on August 17, 2009, by HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"), MAUI ELECTRIC COMPANY, LIMITED ("MECO"), HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO"),¹ the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), the DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM ("DBEDT"), FOREST CITY HAWAII RESIDENTIAL, INC. ("Forest City"), and CASTLE & COOKE HOMES HAWAII, INC. ("Castle & Cooke");² and declines to adopt the Stipulated Procedural Order filed on August 17, 2009, by THE SOLAR ALLIANCE ("SA"), HAWAII SOLAR

¹HECO, MECO and HELCO are collectively referred to as the "HECO Companies."

²The proposed Stipulated Procedural Order is attached as Exhibit 1 to this Order.

ENERGY ASSOCIATION ("HSEA"), HAWAII RENEWABLE ENERGY ALLIANCE ("HREA"), and BLUE PLANET FOUNDATION ("Blue Planet").

I.

Stipulated Procedural Orders

Consistent with the commission's Order Granting Intervention, filed on July 16, 2009, the HECO Companies, Consumer Advocate, DBEDT, Forest City, and Castle & Cooke filed a proposed Stipulated Procedural Order on August 17, 2009 ("HECO Companies SPO"). Likewise, on August 17, 2009, SA, HSEA, HREA, and Blue Planet filed their proposed Stipulated Procedural Order ("SA SPO"). Both stipulated procedural orders are almost identical with the exception of the procedural schedules attached as Exhibit A to the orders. With respect to the proposed schedules, the procedural steps are identical between the two orders; the deadlines for completion of those steps, however, vary. The last procedural step in the HECO Companies SPO requires the filing of the HECO Companies' "Reply Statement of Position" on June 25, 2010; while the SA SPO has the same procedural step, the filing of the HECO Companies' "Reply Statement of Position," due on October 1, 2010. Neither SPO articulates the specific reasons that one schedule should be adopted over the other. Accordingly, the commission will approve the HECO Companies SPO, including its proposed procedural schedule,³ with one modification. As to Section B.1 on copies,

³If appropriate, the commission will entertain motions for extension of time.

the number of copies to be filed with the commission shall be
"Original + 4 copies."

II.

Order

THE COMMISSION ORDERS:

The HECO Companies' proposed Stipulated Prehearing Order, attached as Exhibit 1, is approved as modified herein, consistent with the terms of this Order.

DONE at Honolulu, Hawaii SEP - 2 2009.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By Carlito P. Caliboso
Carlito P. Caliboso, Chairman

By John E. Cole
John E. Cole, Commissioner

APPROVED AS TO FORM:

By Leslie H. Kondo
Leslie H. Kondo, Commissioner

Stacey Kawasaki Djou
Stacey Kawasaki Djou
Commission Counsel

2009-0098.cp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Application Of

HAWAIIAN ELECTRIC COMPANY, INC.
HAWAII ELECTRIC LIGHT COMPANY, INC.
MAUI ELECTRIC COMPANY, LIMITED

DOCKET NO. 2009-0098

For Approval of a PV Host Pilot Program, Recovery of
Program Related Expenses through Designated
Recovery Mechanisms, Inclusion of Related
Purchased Energy Costs in the Energy Cost
Adjustment Clause, and Approval to Commit Funds in
Excess of \$2,500,000.

FILED
2009 AUG 17 P 4: 21
PUBLIC UTILITIES
COMMISSION

STIPULATED PROCEDURAL ORDER

EXHIBIT A

AND

CERTIFICATE OF SERVICE

EXHIBIT 1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Application Of

HAWAIIAN ELECTRIC COMPANY, INC.
HAWAII ELECTRIC LIGHT COMPANY, INC.
MAUI ELECTRIC COMPANY, LIMITED

DOCKET NO. 2009-0098

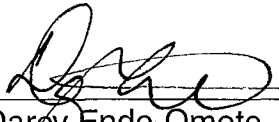
For Approval of a PV Host Pilot Program, Recovery of
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Adjustment Clause, and Approval to Commit Funds in
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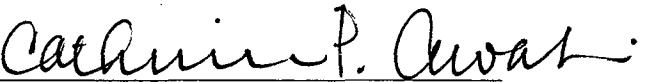
STIPULATED PROCEDURAL ORDER

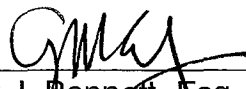
Hawaiian Electric Company, Inc. ("Hawaiian Electric"), Hawaii Electric Light Company, Inc. ("HELCO"), Maui Electric Company, Limited ("MECO"), the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs ("Consumer Advocate"), the Department of Business, Economic Development, and Tourism ("DBEDT"), Forest City Hawaii Residential, Inc. ("Forest City"), and Castle & Cooke Homes Hawaii, Inc. ("Castle & Cooke") (collectively the "Parties") hereby stipulate that the Stipulated Procedural Order attached hereto as Exhibit "A," is mutually acceptable to each respective party.

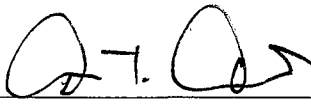
This Stipulated Procedural Order may be executed by the Parties in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The Parties may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

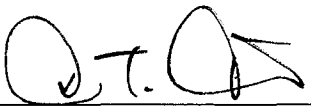
Dated: Honolulu, Hawaii, August 17, 2009.

By: 
Darcy Endo-Omoto
Vice President
Hawaiian Electric Company, Inc.
Hawaii Electric Light Company, Inc.
Maui Electric Company, Ltd.

By: 
Catherine P. Awakuni
Executive Director
Division of Consumer Advocacy

By: 
Mark J. Bennett, Esq.
Deborah Day Emerson, Esq.
Gregg J. Kinkley, Esq.
Department of the Attorney General
Attorneys for
Department of Business, Economic
Development, and Tourism

By: 
Dean T. Yamamoto, Esq.
Jodi Shin Yamamoto, Esq.
Duke T. Oishi, Esq.
Yamamoto & Settle
Attorneys for Castle & Cooke
Homes Hawaii, Inc.

By: 
Dean T. Yamamoto, Esq.
Scott W. Settle, Esq.
Jodi Shin Yamamoto, Esq.
Duke T. Oishi, Esq.
Yamamoto & Settle
Attorneys for Forest City Hawaii
Residential, Inc.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Application Of

HAWAIIAN ELECTRIC COMPANY, INC.
HAWAII ELECTRIC LIGHT COMPANY, INC.
MAUI ELECTRIC COMPANY, LIMITED

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Program Related Expenses through Designated
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Adjustment Clause, and Approval to Commit Funds in
Excess of \$2,500,000.

STIPULATED PROCEDURAL ORDER

EXHIBIT A

AND

CERTIFICATE OF SERVICE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Application Of

HAWAIIAN ELECTRIC COMPANY, INC.
HAWAII ELECTRIC LIGHT COMPANY, INC.
MAUI ELECTRIC COMPANY, LIMITED

DOCKET NO. 2009-0098

For Approval of a PV Host Pilot Program, Recovery of Program Related Expenses through Designated Recovery Mechanisms, Inclusion of Related Purchased Energy Costs in the Energy Cost Adjustment Clause, and Approval to Commit Funds in Excess of \$2,500,000.

STIPULATED PROCEDURAL ORDER

On April 30, 2009, Hawaiian Electric Company, Inc. ("Hawaiian Electric"), Hawaii Electric Light Company, Inc. ("HELCO") and Maui Electric Company, Limited ("MECO"), individually "Company" and collectively referred to as the "Hawaiian Electric Companies" or "Companies", filed an application requesting that the Commission: (1) find it reasonable for each Company to establish a two-year Photovoltaic ("PV") Host Pilot Program ("Program") which would target the cumulative installation of 8 MW, 4 MW, and 4 MW of PV at Hawaiian Electric, HELCO, and MECO, respectively; (2) find that each Company's purchased energy rate for the energy to be supplied by the Program PV systems is reasonable; (3) approve each Company's proposed standard form PV Host solar energy purchase agreement ("SEPA"); (4) approve the inclusion of

the purchased energy charges, and related revenue taxes, to be incurred under the SEPAs filed pursuant to the PV Host Pilot Program, to the extent not included in base rates, in each Company's respective Energy Cost Adjustment Clause ("ECAC") pursuant to Section 6-60-6 of the Hawaii Administrative Rules ("HAR"); (5) approve the inclusion of the reasonable costs that each Company incurs for interconnection of PV systems installed pursuant to the Program in the Renewable Energy Infrastructure Surcharge; (6) allow each Company to include the reasonable costs it incurs pursuant to the Program in its revenue requirements for ratemaking purposes and for the purpose of determining the reasonableness of each Company's rates; (7) approve the commitment of funds in excess of \$2,500,000 for the PV Host Pilot Program (currently estimated at \$10,508,000); and (8) grant each Company such other relief as may be just and equitable in the premises. Hawaiian Electric served copies of the application on the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate").

Subsequent to submittal of the Application, the following motions were filed: 1) Motion for Intervention of Zero Emissions Leasing LLC ("Zero Emissions"), filed on May 8, 2009; 2) Motion to Intervene of Hawaii Renewable Energy Alliance ("HREA"), filed on May 19, 2009; 3) The Department of Business, Economic Development, and Tourism's ("DBEDT") Motion to Intervene, filed on May 20, 2009; 4) Motion for Intervention of Hawaii Solar Energy Association ("HSEA"), filed on May 20, 2009; 5) The Solar Alliance's Motion to Intervene ("SA"), filed May 20, 2009; 6) Blue Planet Foundation's ("Blue Planet") Motion to Intervene, filed May 20, 2009; 7) Motion to Intervene filed by Forest City Hawaii Residential, Inc. ("Forest City") on May 20, 2009; and 8) Motion to

Participate filed by Castle & Cooke Homes Hawaii, Inc. ("Castle & Cooke") on May 20, 2009.

By letters filed May 18 and May 27, 2009, the Hawaiian Electric Companies stated that they do not oppose the granting of intervenor status to any of the Intervenorors so long as movants do not broaden the issues or delay the proceeding and comply with the Commission's Rules of Practice and Procedure.

On July 16, 2009, the Commission issued its *Order Granting Intervention*, granting intervenor status to Zero Emissions, HREA, DBEDT, HSEA, SA, Blue Planet, Forest City, and Castle & Cooke¹ (collectively "Intervenorors").

The Order states that within thirty days of the date of the Order (August 17, 2009), the Parties² shall file a stipulated procedural order setting forth the issues, procedures, and schedule to govern this proceeding. If the Parties are unable to stipulate, each of them shall file a proposed order for the commission's review and consideration within the same deadline.

The Parties agree that the following provisions of this Stipulated Procedural Order are mutually acceptable to each.

ACCORDINGLY, IT IS ORDERED that the following Statement of Issues, Schedule of Proceedings, and procedures shall be utilized in this docket.

¹ In its Motion to Participate, Castle & Cooke requested to "[p]articipat[e] fully along with interveners and other participants in all procedures in this docket as would a full-party including discovery and settlement, and in any discussions, technical sessions, and meetings conducted in this docket." (Emphasis added). Since Castle & Cooke is seeking the same rights as an intervenor, the commission treats its motion as a motion to intervene.

² The HECO Companies, Consumer Advocate and Intervenorors are collectively referred to as the "Parties."

I. STATEMENT OF THE ISSUES

The issues in this docket are:

1. Whether the proposed two-year PV Host Pilot Program is reasonable.
2. Whether each Company's purchased energy rate is reasonable.
3. Whether the PV Host solar energy purchase agreement (SEPA) should be approved.
4. Whether the Hawaiian Electric Companies should be allowed to include the purchase energy charges (and related revenue taxes) that the Companies incur under the SEPA in their respective Energy Cost Adjustment Clause.
5. What costs, pursuant to the Program, are reasonable to include in the Renewable Energy Infrastructure Surcharge.
6. Whether the Companies proposed commitment of funds should be included in the Companies' revenue requirements for ratemaking purposes and for the purpose of determining the reasonableness of the Companies' rates.

II. SCHEDULE OF PROCEEDINGS

The Parties shall adhere to the schedule of proceedings set forth in the Stipulated Procedural Schedule attached hereto as Exhibit "A". Notwithstanding the above, the Parties may amend the Stipulated Procedural Schedule as may be agreed in writing from time to time; provided that the requesting party or parties receive the

Commission's approval in accordance with Hawaii Administrative Rules ("HAR") §6-61-23, to the extent applicable. However, the intent of the Parties in agreeing to a schedule at this time is to promote the efficient and cost-effective allocation of resources. Therefore, any changes to the schedule should be proposed only when there is an urgency or substantial competing need that cannot be reasonably accommodated without a change.

III. MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS

A. Requests for Information

A party to this proceeding may submit information requests to another party within the time schedule specified in this Stipulated Procedural Order. To the extent practical, the Parties will cooperate (1) by exchanging information requests and responses as they become available, and (2) by resolving questions regarding information requests and responses informally to attempt to work out problems with respect to understanding the scope or meaning of information requests, or with respect to the availability of information. If a party is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party as soon as possible. The Parties shall then endeavor to agree upon a later date for submission of the requested information. If the Parties are unable to agree, the responding party may seek approval for the late submission from the Commission upon a showing of good cause. It is then within the Commission's discretion to approve or disapprove such late filings and take any additional action that may be appropriate, such as extending the date for the party to respond.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials (e.g., documents over 50 pages), the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available on computer diskette or other readily usable electronic medium, the party responding to the information request shall make the diskette or such electronic medium available to the other parties and the Commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all formulae intact, and will not be entirely converted to values prior to submission.

A party shall not be required, in a response to an information request, to provide data that is/are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part B, infra. The responding party shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party to locate and copy the document.³ In addition, a party shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A party may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the

³ As practical, each party will cooperate in making available documents that are already on file with the Commission or otherwise part of the public record and in reproducing (at reasonable charges), such public record documents as well as voluminous material referenced by such parties, designated by the requesting parties and/or making available one copy of the designated documents for loan for a reasonable period of time to be reproduced by the requesting party.

response contains information claimed to be privileged or subject to protection (confidential information). If a party claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party if the information were disclosed); and (3) state whether the party is willing to provide the confidential information to some or all representatives of the party pursuant to a protective order governing this docket.

A party seeking production of documents notwithstanding a party's claim of confidentiality, may file a motion to compel production with the Commission.

The responses of each party to information requests shall adhere to a uniform system of numbering agreed upon by the Parties. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-IR-1," and a response to this information request shall be referred to and designated as "Response to CA-IR-1."

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and/or reference the attached responsive document.

B. Copies of Testimony, Exhibits and Information Requests

1. Copies of Filings, Information Requests, Responses to Information

Requests, Statements of Position:

PUBLIC UTILITIES COMMISSION
465 South King Street
First Floor
Honolulu, HI 96813

Original + 8 copies

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPT OF COMMERCE & CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P.O. Box 541
Honolulu, Hawaii 96809

2 Copies

DEAN MATSUURA
MANAGER
REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P.O. Box 2750
Honolulu, HI 96840-0001

1 Copy

ROD S. AOKI, ESQ.
ALCANTAR & KAHL LLP
33 New Montgomery Street
Suite 1850
San Francisco, CA 94105
Counsel for Hawaiian Electric Companies

1 Copy

MARK J. BENNETT, ESQ.
DEBORAH DAY EMERSON, ESQ.
GREGG J. KINKLEY, ESQ.
DEPARTMENT OF THE ATTORNEY GENERAL
425 Queen Street
Honolulu, Hawaii 96813
Counsel for DBEDT

1 Copy

THEODORE PECK
DEPARTMENT OF BUSINESS, ECONOMIC
DEVELOPMENT, AND TOURISM
P.O. Box 2359
Honolulu, Hawaii 96804

1 Copy

ESTRELLA SEESE
DEPARTMENT OF BUSINESS, ECONOMIC
DEVELOPMENT, AND TOURISM
P.O. Box 2359
Honolulu, Hawaii 96804

1 Copy

MR. WARREN S. BOLLMEIER II
PRESIDENT
HAWAII RENEWABLE ENERGY ALLIANCE
46-040 Konane Place, #3816
Kaneohe, Hawaii 96744

1 Copy

DOUGLAS A. CODIGA, ESQ.
SCHLACK ITO LOCKWOOD PIPER & ELKIND
TOPA FINANCIAL CENTER
745 Fort Street, Suite 1500
Honolulu, Hawaii 96813
Counsel for BLUE PLANET FOUNDATION

1 Copy

MR. MARK DUDA
PRESIDENT
HAWAII SOLAR ENERGY ASSOCIATION
P.O. Box 37070
Honolulu, Hawaii 96837

1 Copy

SANDRA-ANN Y.H. WONG, ESQ.
ATTORNEY AT LAW, A LAW CORPORATION
1050 Bishop Street, #514
Honolulu, HI 96813
Counsel for THE SOLAR ALLIANCE

1 Copy

CARRIE CULLEN HITT
PRESIDENT
THE SOLAR ALLIANCE
PO Box 534
North Scituate, MA 02060

1 Copy

RILEY SAITO
THE SOLAR ALLIANCE
73-1294 Awakea Street
Kailua-Kona, Hawaii 96740

1 Copy

DEAN T. YAMAMOTO, ESQ.
SCOTT W. SETTLE, ESQ.
JODI SHIN YAMAMOTO, ESQ.
DUKE T. OISHI, ESQ.
YAMAMOTO & SETTLE
700 Bishop Street, Suite 200
Honolulu, Hawaii 96813
Counsel for FOREST CITY HAWAII RESIDENTIAL, INC.

1 Copy

DEAN T. YAMAMOTO, ESQ.
JODI SHIN YAMAMOTO, ESQ.
DUKE T. OISHI, ESQ.
YAMAMOTO & SETTLE
700 Bishop Street, Suite 200
Honolulu, Hawaii 96813
Counsel for CASTLE & COOKE HOMES HAWAII, INC.

1 Copy

MR. ERIK KVAM
CHIEF EXECUTIVE OFFICER
ZERO EMISSIONS LEASING LLC
2800 Woodlawn Drive, Suite 131
Honolulu, Hawaii 96822

1 Copy

2. All pleadings, briefs and other documents required to be filed with the Commission shall comply with the formatting requirements prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-16 of the Commission's Rules of Practice and Procedure and shall be filed at the office of the Commission in Honolulu within the time

limit prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-15 of the Commission's Rules of Practice and Procedure.

3. Copies of all documents should be sent to the Commission and Division of Consumer Advocacy by hand delivery or United States mail (first class, postage prepaid). The Parties stipulate and agree that service of documents between Parties, other than documents designated as confidential pursuant to any protective order adopted in this proceeding, shall be served electronically via e-mail in a portable document format ("pdf") by 5:00 p.m. on the day due. The Parties agree to use Word 97, Word 2000, Word 2002, Word 2003, or later editions of Word readable by these versions as the standard programming format for filings in this case and will submit information requests to the other Parties in this format. The Parties also agree to submit any spreadsheets (e.g., used as workpapers or exhibits) in Microsoft Excel format. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a party shall not be required to convert such workpapers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97, Word 2000, Word 2003 as long as the applicable format is identified.

C. Communications

Chapter 61, Subchapter 3, Section 6-61-29 of the Commission's Rules of Practice and Procedure concerning ex parte communications is applicable to any communications between a party and the Commission. However, the Parties may communicate with Commission counsel on matters of practice and procedure through their own counsel or designated official.

Communications between the Parties should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing party. All motions, supporting memoranda, and the like shall also be served on opposing counsel.

D. General

These procedures are consistent with the orderly conduct of this docket. Pursuant to Chapter 61, Subchapter 3, Section 6-61-37 of the Commission's Rules of Practice and Procedure, this Stipulated Procedural Order shall control the subsequent courses of the proceedings, unless modified by the Parties in writing and approved by the Commission, or upon the Commission's own motion, or prior to the hearing to prevent manifest injustice.

This Stipulated Procedural Order may be executed by the Parties in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The Parties may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

APPROVED AND SO ORDERED THIS _____,

at Honolulu, Hawaii.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By _____
Carlito P. Caliboso, Chairman

By _____
John E. Cole, Commissioner

By _____
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Stacey Kawasaki Djou
Commission Counsel

EXHIBIT A

Stipulated Procedural Schedule
Docket No. 2009-0098

	Procedural Steps	Deadline
1	Technical Session with the Parties on Proposed PV Host Pilot.	November 10, 2009
2	Simultaneous Information Requests on the Proposed PV Host Pilot Program to the Companies.	December 11, 2009
3	Companies' Response to Information Requests.	January 22, 2010
5	Simultaneous Supplemental Information Request to the Companies.	February 12, 2010
6	Companies' Response to Supplemental Information Requests.	March 12, 2010
6	Technical and Settlement Discussions	Start March 2010
7	Consumer Advocate and Intervenors Statement of Position.	May 27, 2010
8	Companies' Reply Statement of Position	June 25, 2010

CERTIFICATE OF SERVICE

The foregoing Stipulated Procedural Order was served on the date of filing by mail, postage prepaid and properly addressed to the following:

CATHERINE P. AWAKUNI
Executive Director
Dept. of Commerce & Consumer Affairs
Division of Consumer Advocacy
P.O. Box 541
Honolulu, Hawaii 96809

DEAN MATSUURA
Manager, Regulatory Affairs
Hawaiian Electric Company, Inc.
P.O. Box 2750
Honolulu, HI 96840-0001

ROD S. AOKI, ESQ.
Alcantar & Kahl LLP
33 New Montgomery Street
Suite 1850
San Francisco, CA 94105

Counsel for the Hawaiian Electric Companies

MARK J. BENNETT, ESQ.
DEBORAH DAY EMERSON, ESQ.
GREGG J. KINKLEY, ESQ.
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

Counsel for the Department of Business, Economic
Development, and Tourism

THEODORE PECK
Department of Business, Economic Development,
and Tourism
P.O. Box 2359
Honolulu, Hawaii 96804

ESTRELLA SEESE
Department of Business, Economic Development,
and Tourism
P.O. Box 2359
Honolulu, Hawaii 96804

MR. WARREN S. BOLLMEIER II
President
Hawaii Renewable Energy Alliance
46-040 Konane Place, #3816
Kaneohe, Hawaii 96744

DOUGLAS A. CODIGA, ESQ.
Schlack Ito Lockwood Piper & Elkind
Topa Financial Center
745 Fort Street, Suite 1500
Honolulu, Hawaii 96813

Counsel for Blue Planet Foundation

MR. MARK DUDA
President
Hawaii Solar Energy Association
P.O. Box 37070
Honolulu, Hawaii 96837

SANDRA-ANN Y.H. WONG, ESQ.
Attorney at Law, A Law Corporation
1050 Bishop Street, #514
Honolulu, HI 96813

Counsel for The Solar Alliance

CARRIE CULLEN HITT
President
The Solar Alliance
PO Box 534
North Scituate, MA 02060

RILEY SAITO
The Solar Alliance
73-1294 Awakea Street
Kailua-Kona, Hawaii 96740

DEAN T. YAMAMOTO, ESQ.
SCOTT W. SETTLE, ESQ.
JODI SHIN YAMAMOTO, ESQ.
DUKE T. OISHI, ESQ.
Yamamoto & Settle
700 Bishop Street, Suite 200
Honolulu, Hawaii 96813

Counsel for Forest City Hawaii Residential, Inc.

DEAN T. YAMAMOTO, ESQ.
JODI SHIN YAMAMOTO, ESQ.
DUKE T. OISHI, ESQ.
Yamamoto & Settle
700 Bishop Street, Suite 200
Honolulu, Hawaii 96813

Counsel for Castle & Cooke Homes Hawaii, Inc.

MR. ERIK KVAM
Chief Executive Officer
Zero Emissions Leasing LLC
2800 Woodlawn Drive, Suite 131
Honolulu, Hawaii 96822

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

DEAN K. MATSUURA
MANAGER, REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P. O. Box 2750
Honolulu, HI 96840-0001

ROD S. AOKI, ESQ.
ALCANTAR & KAHL LLP
33 New Montgomery Street, Suite 1850
San Francisco, CA 94105

Counsel for HECO COMPANIES

ERIK W. KVAM
CHIEF EXECUTIVE OFFICER
ZERO EMISSIONS LEASING LLC
2800 Woodlawn Drive, Suite 131
Honolulu, HI 96822

WARREN S. BOLLMEIER II
PRESIDENT
HAWAII RENEWABLE ENERGY ALLIANCE
46-040 Konane Place, #3816
Kaneohe, HI 96744

THEODORE PECK
DBEDT
State Office Tower
235 South Beretania Street, Room 501
Honolulu, HI 96813

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ESTRELLA SEESE
DBEDT
State Office Tower
235 South Beretania Street, Room 501
Honolulu, HI 96813

MARK J. BENNETT, ESQ.
DEBORAH DAY EMERSON, ESQ.
GREGG J. KINKLEY, ESQ.
DEPARTMENT OF THE ATTORNEY GENERAL
425 Queen Street
Honolulu, HI 96813

Counsel for DBEDT

MARK DUDA
PRESIDENT
HAWAII SOLAR ENERGY ASSOCIATION
P. O. Box 37070
Honolulu, HI 96837

SANDRA-ANN Y.H. WONG, ESQ.
ATTORNEY AT LAW, A LAW CORPORATION
1050 Bishop Street, #514
Honolulu, HI 96813

Counsel for THE SOLAR ALLIANCE

CARRIE CULLEN HITT
PRESIDENT
THE SOLAR ALLIANCE
PO Box 534
North Scituate, MA 02060

RILEY SAITO
THE SOLAR ALLIANCE
73-1294 Awakea Street
Kailua-Kona, HI 96740

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DOUGLAS A. CODIGA, ESQ.
SCHLACK ITO LOCKWOOD PIPER & ELKIND
Topa Financial Center
745 Fort Street, Suite 1500
Honolulu, HI 96813

Counsel for BLUE PLANET FOUNDATION

DEAN T. YAMAMOTO, ESQ.
SCOTT W. SETTLE, ESQ.
JODI SHIN YAMAMOTO, ESQ.
DUKE OISHI, ESQ.
YAMAMOTO & SETTLE
700 Bishop Street, Suite 200
Honolulu, HI 96813

Counsel for FOREST CITY HAWAII RESIDENTIAL, INC.

DEAN T. YAMAMOTO, ESQ.
JODI SHIN YAMAMOTO, ESQ.
DUKE OISHI, ESQ.
YAMAMOTO & SETTLE
700 Bishop Street, Suite 200
Honolulu, HI 96813

Counsel for CASTLE & COOKE HOMES HAWAII, INC.